

Counsel listed on next page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
Corporation; EMC CORPORATION, dba
EMC PERIPHERALS, INC., and DOES 1-X,

Defendants.

Case No. C04-2660 JW

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO FILE UNDER SEAL
EXHIBIT G TO THE
DECLARATION OF MICHAEL
WEIL IN SUPPORT OF
DEFENDANT EMC'S MOTION TO
EXCLUDE TESTIMONY OF
PLAINTIFF'S EXPERTS PURSUANT
TO CIV. L.R. 7-11, 7-12, & 79-5**

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EMC CORPORATION
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Attorneys for Defendant
EMC Corporation

1 PURSUANT TO CIVIL LOCAL RULES 7-11, 7-12, and 79-5, Plaintiff David
2 Halterman and Defendant EMC Corporation (collectively, “the parties”) stipulate as follows:

3 WHEREAS, in this matter, the Court entered a Stipulated Protective Order (“the
4 Order”) on December 3, 2004;

5 WHEREAS, the Order requires in paragraph 9 that:

6 In the event that any Confidential Information . . . is filed, included in, or referred to in
7 any paper filed with the Court, counsel responsible for such filing shall submit the
8 papers to the court along with a request to file under seal pursuant to Civil Local Rule
79-5;

9 WHEREAS, in paragraph 1 of the order, the Court defined “Confidential
10 Information” as “information that qualifies for protection under F.R.C.P. 26(c)”;

11 WHEREAS, Exhibit G to Declaration of Michael D. Weil in Support of Defendant
12 EMC Corporation’s Motion to Exclude Testimony of Plaintiff’s Experts Barbara C. Luna, Dean
13 Atkinson, and Bruce L. Smith contains sensitive and private financial and commercial
14 information that is valuable information to EMC’s competitors and that EMC has revealed only
15 for the purposes of this dispute and otherwise closely guards;

16 WHEREAS, the parties agree that these documents in Exhibit G fall within this
17 Court’s definition of “Confidential Information” contained in the Order and that EMC should be
18 protected from having this proprietary business information contained in the public record;

19 WHEREAS, with the exception of the requested excerpts, the parties intend that
20 “[a]ll other portions” of the Reply to Motion to Compel “be included in the public file” of this
21 Court, pursuant to Civil L.R. 79-5(b);

22 WHEREAS, the parties have limited the scope of this request to meet the
23 requirement of Civil L.R. 79-5(b) that it be “narrowly tailored to seal only that material for which
24 good cause to seal has been established” and that it “shall direct the sealing of only those
25 documents, pages, or, if practicable, those portions of documents or pages, which contain the
26 information requiring confidentiality”; and

27 WHEREAS, the concurrence in the filing of the document has been obtained from
28 Kathryn Burkett Dickson, Attorney for Plaintiff, David Halterman;

2. IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that Exhibit G Attached to the Declaration of Michael D. Weil in Support of Defendant EMC Corporation's Motion to Exclude Testimony of Plaintiff's Experts Barbara C. Luna, Dean Atkinson, and Bruce L. Smith be filed under seal in whole.

Dated: November 15, 2005

Respectfully submitted,

KATHRYN BURKETT DICKSON
DICKSON – ROSS LLP

DAVID ANGLE
ANGLE & ANGLE LLC

By _____
Kathryn Burkett Dickson
Attorneys for Plaintiff,
David Halterman

Dated: November 15, 2005

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LEANNE FITZGERALD
EMC CORPORATION

By _____/S/
Michael D. Weil
Attorneys for Defendant,
EMC Corporation.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Hon. James Ware
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

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v.

LEGATO SOFTWARE, a Division of EMC
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EMC PERIPHERALS, INC., and DOES 1-X,

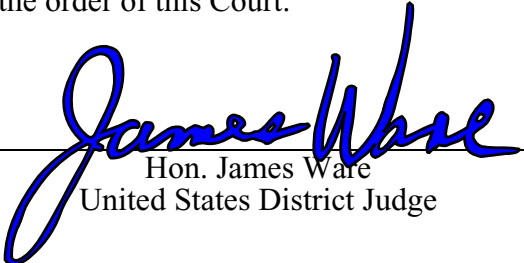
Defendants.

Case No. C 04-02660 JW

**STIPULATED ORDER TO FILE
UNDER SEAL EXHIBIT G TO THE
DECLARATION OF MICHAEL
WEIL IN SUPPORT OF
DEFENDANT EMC'S MOTION TO
EXCLUDE TESTIMONY OF
PLAINTIFF'S EXPERTS PURSUANT
TO CIV. L.R. 7-11, 7-12, & 79-5**

Pursuant to the stipulation of the parties, it is hereby ordered that the Stipulated Order to File Under Seal Exhibit G Attached to the Declaration of Michael D. Weil in Support of Defendant EMC Corporation's Motion to Exclude Testimony of Plaintiff's Experts Barbara C. Luna, Dean Atkinson, and Bruce L. Smith become the order of this Court.

Dated: 11/16/05


Hon. James Ware
United States District Judge